

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE  
WRIT PETITION NO. 4140 OF 2001

Shri Shrikrishna R. Punyarthi

.. Petitioner

Vs.

Mrs. Usha Shricchand Matta and anr. .. Respondents

Mr. R.M. Kolge for petitioner absent.

Mr. C.G. Gavnekar for Respondents

**CORAM: B.H. MARLAPALLE, J.**

**Date : June 06, 2006.**

**P.C.:**

1. The petition was adjourned yesterday at the request of the learned counsel for the petitioner.

2. The petitioner has impugned the order dated 22/3/2001 passed by the learned Civil Judge, Junior Division at Thane rejecting application filed in Special Darkhast No.51 of 1979. The said Darkhast has been filed for execution of the Decree passed in Special Civil Suit No.1 of 1976 and the applicant-petitioner was the party in the said suit. As per the trial court the applicant failed to file any document to show that he was in possession of the suit land since 16/7/1975 and though he had appeared

in the Darkhast proceeding on 29/1/1981, the application was moved for the first time on 1/10/1999 i.e. after about 18 years. It was for these reasons that the application came to be rejected by the impugned order by levying exemplary costs.

3. The view taken by the learned Judge of the trial court calls for no interference under the supervisory jurisdiction under Article 227 of the Constitution.

4. The petition is rejected summarily.

**(B.H. Marlapalle,J.)**